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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/366,114	08/02/1999	ROBERT O. STUART	STUART-ISAM	2676

7590 04/10/2003

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EXAMINER

SING, SIMON P

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/366,114

Applicant(s)

STUART ET AL.

Examiner

Simon Sing

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01/27/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Gisby US 5,943,416.

1.1 Regarding claims 1 and 8, Gisby discloses a method and system for an automated customer survey in a call center. Gisbe teaches that a customer is queried about service satisfaction and agent's performance (column 2, lines 13-21). Gisby also teaches:

connecting a caller to a live agent 31 in a call center [service provider] via switch 21 [communication server];

providing a service by the agent to the caller (column 1, lines 14-19; column 7, lines 2-6, 15-16);

requesting the caller to provide feedback data [survey] before hung up (column 5, lines 27-34); column 7, lines 2-6) and

associating the feedback data are with communication server data such caller ID (column 6, lines 56-59), date, time and agent ID (column 2, lines 13-21).

1.2 Regarding claims 2, 9 and 10, Gisby teaches storing the communication server data (column 5, lines 53-57);

1.3 Regarding claims 3 and 11, Gisby teaches providing service to plurality of callers (column 5, lines 18-27) and requesting callers to participate in the survey is performed on an intermittent sampling basis (column 6, lines 36-49).

1.4 Regarding claims 4, and 12, Gisby teaches providing services, which inherently including directory service, airline ticketing, and hotel/restaurant reservation etc., to callers (column 1, lines 15-20).

1.5 Regarding claims 5 and 13, it is inherent that an agent exchange information with a caller in order to provide service.

1.6 Regarding claims 6 and 14, Gisby teaches analyzing the communication server data and reporting the result of said analyzing (column 2, lines 13-21).

1.7 Regarding claims 7 and 15, Gisby teaches receiving feedback data from a caller via either voice recognition or touch tone input (column 4, lines 63-67).

2. Claims 16-19, 22-26, 29-31 and 34-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaffer et al. US Patent No. 6,363,145.

2.1 Regarding claim 16, Shaffer discloses a method for automated call monitoring in figures 1-3. Shaffer teaches:

establishing a communication link originated by a customer to a live agent of a service provider (column 2, lines 36-38; column 4, lines 17-18);

monitoring an exchange of information relating to a service (column 2, lines 38-42; column 4, lines 34-43; column 6, lines 25-28);

transferring the customer to a supervisor [triggering an action] (column 6, lines 33-35; column 8, lines 7-11) if a predetermined condition is detected (column 4, lines 48-52; column 7, lines 10-18); and

requesting feedback from the customer by the supervisor. Since the supervisor does not know what has caused an argument between the live agent and the customer,

the supervisor inherently will ask the customer for feedbacks regarding the service [such as what was happening and the reason of the argument].

2.2 Regarding claim 17, Shaffer teaches that the communication link is an ISDN (column 4, lines 6-11).

2.3 Regarding claim 18, Shaffer teaches that the predetermined condition includes a change in voice volume (column 6, lines 43-44; column 7, lines 10-18).

2.4 Regarding claim 19, Shaffer teaches that the exchange of information between a customer and a live agent (column 2, lines 36-38; column 4, lines 17-18), and the predetermined change includes a change in tonal quality in utterances originating from either the customer or the agent (column 4, lines 44-51).

2.5 Regarding claim 22, Shaffer teaches alerting a supervisor [another live agent], before the communication link is terminated (column 5, lines 46-50).

2.6 Regarding claim 23, Shaffer teaches alerting a supervisor [second live agent] before the communication link is terminated (column 5, lines 46-50; column 6, lines 48-52).

2.7 Regarding claims 24 and 25, Shaffer teaches using a recorder to record detected voice data patterns (column 7, lines 25-32), and it is inherent that the recorded voice data patterns are associated with the identity of the live agent for tracking his/her performance.

2.8 Regarding claim 26, as discussed in claim 16, the feedback requested by a supervisor, inherently associated with of the identity of the live agent.

2.9 Regarding claim 29, Shaffer discloses an apparatus for automated call monitoring in figures 1-3. Shaffer teaches:

a communication link originated by a customer to a live agent of a service provider (column 2, lines 36-38; column 4, lines 17-18);

an exchange of information relating to a service (column 6, lines 25-28);

a monitoring device coupling to said communication link (column 4, lines 34-43);

a triggering action for transferring the customer to a supervisor (column 6, lines 33-35; column 8, lines 7-11) if a predetermined condition is detected (column 4, lines 48-52; column 7, lines 10-18); and

a customer feedback system [supervisor] requesting feedback from the customer. Since the supervisor does not know what has caused an argument between the live agent and the customer, the supervisor inherently will ask the customer for feedbacks regarding the service [such as what was happening and the reason of the argument].

2.10 Regarding claim 30, Shaffer teaches that the communication link is an ISDN (column 4, lines 6-11).

2.11 Regarding claim 31, Shaffer teaches that the predetermined condition includes a change in voice volume (column 6, lines 43-44; column 7, lines 10-18).

2.12 Regarding claim 34, Shaffer teaches alerting a supervisor [another live agent], before the communication link is terminated (column 5, lines 46-50).

2.13 Regarding claim 35, Shaffer teaches using a recorder to record detected voice data patterns (column 7, lines 25-32).

2.14 Regarding claim 36, Shaffer teaches using a recorder to record detected voice data patterns (column 7, lines 25-32), and it is inherent that the recorded voice data patterns are associated with the identity of the live agent for his/her performance.

2.15 Regarding claim 37, as discussed in claim 29, Shaffer teaches transferring [triggering action] the customer to a supervisor [customer feedback system] before said communication link is terminated.



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20, 21, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. US Patent No. 6,363,145 in view of Campbell et al US Patent No. 6,427,002.

3.1 Regarding claims 20, 21 and 32, Shaffer teaches monitoring call session between a live agent and a customer, and triggering [transferring the customer to the supervisor] a predetermined action if a predetermined condition occurs. Shaffer fails to teach that the predetermined condition includes a predetermined word, utters by either the customer or the agent.

However, Campbell discloses a voice response service note. Campbell teaches routing a customer's incoming call to a call center (column 1, lines 52-55; column 3, lines 54-63), monitoring the incoming call, and alarming a management workstation (column 8, lines 9-16). Campbell also teaches voice recognition (column 4, lines 41-45; column 5, lines 23-31), collecting caller's input and transferring an incoming call (column 5, lines 17-23; column 8, lines 7-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shaffer's reference with the teaching of

Campbell, so that a voice recognition unit would have been included to recognize a customer's word from an utterance, such as "supervisor" from "transfer me to your supervisor" or "I want to talk to your supervisor", for requesting a transfer to a supervisor when the customer was frustrated with the live agent, because such a modification would have immediately transferring an incoming call to a supervisor.

3.2 Regarding claim 33, Shaffer teaches monitoring call session between a live agent and a customer, and transferring [triggering] a call to a supervisor if a predetermined condition occurs. Shaffer fails to teach that the predetermined condition includes a key entry recognition subsystem.

However, Campbell discloses a voice response service note. Campbell teaches routing a customer's incoming call to a call center (column 1, lines 52-55; column 3, lines 54-63), monitoring the incoming call, and alarming a management workstation (column 8, lines 9-16). Campbell also teaches collecting DTMF input from a telephone keypad (column 8, lines 7-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shaffer's reference with the teaching of Campbell, so that a key entry recognition unit would have been included, because such a modification would have enabled a live agent to initiate a transfer from his telephone keypad if a supervisor's involvement would have been necessary.

4. Claims 27, 28, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. US Patent No. 6,363,145 in view of Maloney et al US Patent No. 5,696,811.

Shaffer teaches monitoring call sessions between live agents and customers and transferring [triggering] a call to a supervisor [another live agent] if a predetermined condition occurs. Shaffer fails to teach monitoring call sessions on an intermittent sampling basis.

However, Maloney discloses a method and system for automatically monitoring the performance quality of call center agents in figures 1-11. Maloney teaches monitoring call sessions intermittently (column 5, lines 17-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shaffer's reference with the teaching of Maloney, so that the monitoring would have been done on an intermittent sampling basis, because such a modification would have enabled a system with limited monitoring devices to monitor all agents.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bogart et al. US 6,163,607, discloses a system and method for queried a caller for an evaluation of the service received (column 5, line 65 to column 5, line 4), or customer satisfaction (Figure 2, ref. 400).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

03/26/2003

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